REMARKS

Applicant is in receipt of the Office Action mailed July 5, 2005. Claims 1-11 and 13-40 are pending in the application. Further consideration of the present case is earnestly requested in light of the following remarks.

102 Rejection

Claims 1-7, 9-15, and 17-40 stand rejected under 35 U.S.C. 102 (e) as being unpatentable over Leask et al. (U.S. Patent No. 6,412,106, "Leask"). Applicant respectfully traverses the rejection.

Claim 1 recites:

Claim 1

> 1. A computer-implemented method for creating a graphical program, the method comprising:
>
> creating a first graphical program, wherein said creating comprises interconnecting at least two of a first plurality of graphical program nodes or icons, wherein the first graphical program comprises the first plurality of interconnected graphical program nodes or icons which graphically represents functionality of the first graphical program, and wherein the first graphical program is executable by a computer system to perform the functionality;
>
> storing the first graphical program in a memory; and
>
> associating a debugging graphical program at a debugging location in the first graphical program, wherein said associating does not modify the functionality of the first graphical program, wherein the debugging graphical program comprises a second plurality of interconnected graphical program nodes or icons that graphically represents functionality of the debugging graphical program, and wherein the debugging graphical program is executable by the computer system to perform the functionality;
>
> wherein the debugging graphical program is executable during execution of the first graphical program to aid in debugging at least a portion of the first graphical program.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be

shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Leask teaches tools for graphically debugging a graphical representation of a computer program. Leask teaches to use debugging tools, which "may be represented graphically to indicate which tools are currently set in the program" (Leask col. 7, lines 26-29). The Office Action equates the debugging tools of Leask to the debugging graphical program of claim 1. Applicant respectfully disagrees.

The debugging graphical program of claim 1 comprises "a second plurality of interconnected graphical program nodes or icons that graphically represents functionality of the debugging graphical program." The first graphical program of claim 1 comprises "the first plurality of interconnected graphical program nodes or icons which graphically represents functionality of the first graphical program, and wherein the first graphical program is executable by a computer system to perform the functionality." Thus the debugging graphical program and the first graphical program are both graphical programs that comprise a respective plurality of interconnected graphical program nodes or icons which graphically represent functionality of the respective graphical program, and wherein the respective graphical program is executable by a computer system to perform the respective functionality.

For example, Figure 9 of the current application illustrates an exemplary first graphical program, and Figure 7 of the current application illustrates an exemplary debugging graphical program. Both of these exemplary graphical programs comprise a plurality of interconnected graphical program nodes or icons that graphically represent the respective graphical program's functionality. Both of these exemplary graphical programs may be created using the same exemplary graphical programming environment.

In contrast, the graphical representations of the debugging tools of Leask are just that, graphical representation of the debugging tools. Leask does not teach creating any of the graphical representations of the debugging tools, such as cited debugging tools 410, 412, 414, 416, or 418 of Figure 5 using a grpahical programming environment

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shown. Leask does not teach creating a debugging program using a plurality of interconnected graphical program nodes or icons that graphically represent the functionality of the debugging graphical program. In other words, the graphical representations of the debugging tools of Leask are not equivalent to the debugging graphical program of claim 1.

Instead, Figure 5 of Leask shows a call flow diagram, as well as various separate debugging tools 402 – 418. Thus Leask explicitly teaches that the debugging tools 402 – 418 are NOT created as a graphical program, but rather comprise separate specialized debugging tools that may be used WITH a graphical program. The debugging methods taught in Leask simply correspond to the prior art debugging methods described in the present application beginning at page 6, line 10.

For at least the above reasons, Applicant submits that Leask does not teach or suggest all of the features and limitations of the independent claim 1, and thus claim 1 and those claims dependent thereon are patentably distinct over Leask and are thus allowable. Similar arguments apply with equal force to the §102 rejection of independent claims 23, 27, 31, and 35, and those claims dependent thereon. Thus, Applicant respectfully submits that claims 23, 27, 31, and 35, and those claims dependent thereon are patentably distinct over Leask and are thus allowable.

Section 103 Rejection

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of McKee et al. (U.S. Patent No. 5,915,114, "McKee"). Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of Kodosky (U.S. Patent Application No. 2003/0037322, "Kodosky"). Applicant asserts that since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims 8 and 16 is not necessary at this time. Thus, Applicant submits that the present claims are allowable. Therefore removal of the section §103 rejection of claims 8 and 16 is respectfully requested.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the prior art However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-59901/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Request for Approval of Drawing Changes

☐ Notice of Change of Address

☐ Check in the amount of $ for fees (   ).

☐ Other:

Respectfully submitted,

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